SEPTEMBER 29, 2015

TOWN OF PIERREPONT

PUBLIC HEARING: Local Law #1-2015: Exceeding the Tax Levy Limit Imposed upon Real Property Pursuant to General Municipal Law S3-c(5)

REGULAR MEETING

Present: Supervisor Thomas Latimer

Councilman John McIntosh

Neil Thomas

Roger Murray

Dahl McCormick

Town Clerk Melanie Thomas

Town Bookkeeper Dale Vaughn

Highway Superintendent Shawn Spellacy

Town Attorney Eric Gustafson

Residents & Public:

Bob Camp Pierrepont, NY

Dan Huntley Pierrepont, NY

Jane Powers 50 Powers Rd., Pierrepont, NY

Ranny Gale 5962 CR 24, Pierrepont, NY

Fran Morrow 5962 CR 24, Pierrepont, NY

Mike Hann Courier-Observer

Phyllis Shimmel Hannawa Falls, NY

Gordon Shimmel Hannawa Falls, NY

Mercy Spellacy Pierrepont, NY

John Glasgow Pierrepont, NY

Tania Cambridge Post Rd., Pierrepont, NY

Bill Galvin Colton, NY

Peggy McAdam Post Rd., Pierrepont, NY

William F. Enslow (8:30) Postwood Park Rd., Hannawa Falls, NY

Public Hearing for Local Law #1-2015

Supervisor Latimer called the public hearing to order at 7:15 PM. He stated that this hearing is for exceeding the tax levy limit imposed upon real property pursuant to General Municipal Law Section 3-c(5). He asked if there were any comments from the public. There being no comments, a motion was made by Roger Murray to adjourn the public hearing and seconded by Dahl McCormick. All were in favor and the hearing was adjourned at 7:30 PM.

Regular Meeting

Supervisor Latimer called the Regular Meeting of the Town of Pierrepont to order at 7:30 PM.

Councilman McCormick led us in the Pledge of Allegiance.

**Motion** by Dahl McCormick, seconded by Roger Murray, to accept the minutes of the August 25, 2015 Regular Meeting as submitted, all in favor.

**Motion** by John McIntosh, seconded by Neil Thomas, to accept the Supervisor's Report for the month of August 2015 as submitted, all in favor.

**Motion** by Neil Thomas, seconded by Thomas Latimer, to accept the Town Clerk Report for the month of August 2015 as submitted, all in favor.

**Motion** by Dahl McCormick, seconded by John McIntosh, to accept the Justice's Report for the month of August 2015 as submitted, all in favor.

**Motion** by Neil Thomas, seconded by John McIntosh, to accept the Code Enforcement Officer's Report for Permits #37-15 to 50-15 as submitted, all in favor.

**Motion** by Dahl McCormick, seconded by Thomas Latimer, to accept the Assessor's Report for the month of August 2015 as submitted, all in favor.

**CORRESPONDENCE**

**Letter** to Supervisor Latimer, from the State of New York Unified Court System, regarding the Town's most recent audit of the Justice Court finances and records.

**Letter** to Town of Pierrepont, from Chelsea Bartlett, Seaway Valley Prevention Council, regarding tobacco-free communities.

**E-mail** to the Town of Pierrepont, from Rose Rivezzi, Potsdam Town Councilwoman, regarding Potsdam Summer Recreation Program.

**Notice** of Solar Photovoltaic Systems Workshop, Plattsburgh, NY on October 2, 2015.

**Notice** of webinar for Property Tax Cap and Tax Freeze Review – Local Governments, October 7, 2015.

**Letter** to Supervisor Latimer and Councilmen, from William Enslow, regarding a zoning complaint.

**Letter** to Town Clerk Melanie Thomas, from Dale Vaughn, Zoning Board of Appeals Chairman, regarding variance hearing on August 20, 2015 for John E. Jones, Jr. (approved, conditionally).

**Letter** to Town Clerk Melanie Thomas, from Dale Vaughn, Zoning Board of Appeals Chairman, regarding variance hearing on September 17, 2015 for M.S. Compeau, Inc. (approved).

**Minutes** of ZBA meeting on May 14, 2015.

**Letter** to Town Clerk Melanie Thomas, from Frederick E. Biggs, regarding FOIL Request.

**NEW BUSINESS**

**Motion** by Roger Murray, seconded by John McIntosh, to adopt **Local Law #1-2015: Exceeding the Tax Levy Limit Imposed upon Real Property Pursuant to General Municipal Law Section 3-c(5).**

**Roll Call Vote: John McIntosh: aye**

**Neil Thomas: aye**

**Roger Muray: aye**

**Dahl McCormick: aye**

**Thomas Latimer: aye**

**Local Law #1-2015 passes.**

**Motion** by Roger Murray, seconded by Thomas Latimer, all in favor, to re-appoint Phillip Wagner to the Board of Assessment Review for a 5-year term (10-1-15 to 9-30-20).

The board was presented with the Tentative 2016 Budget. Bookkeeper Dale Vaughn reviewed changes that had been made. The final result of all the changes for 2016 is a decrease of about $2,500 from the amount raised in taxes for 2015. That's a ¼ % decrease, or approximately $0.02 per thousand assessed valuation.

**Motion** by John McIntosh, seconded by Dahl McCormick, all in favor, to adopt the 2016 Tentative Budget as the 2016 Preliminary Budget. The public hearing for the budget will be on Tuesday, October 27, 2015 at 7:15 PM.

Zoning Board of Appeals Chairman Dale Vaughn stated that we have 2 cases of zoning violations, both involving stop work orders being violated. He stated that our zoning code says a $100 per week fine may be imposed and/or up to 5 days imprisonment. Also, the town may direct the town attorney to commence action against the individual, either on the local level or at supreme court.

Councilman Roger Murray stated that we need to enforce the zoning code even if it means a fine or imprisonment.

It was discussed and decided that the Code Enforcement Officer will continue to work on both situations along with the Town Attorney and the Zoning Board Chairman.

We received a letter from the State of New York Unified Court System requesting a copy of our most recent audit of our local court's records and a copy of the board resolution acknowledging such fact.

**Motion** by Dahl McCormick, seconded by John McIntosh, all in favor, to adopt **Resolution #VII-2015: The Town of Pierrepont acknowledges that the Justice Court records were audited on April 27, 2015 (see attached).**

**OLD BUSINESS**

Letters were sent out last month to property owners on the Post Rd. asking their opinion on a speed limit of 25 mph from Crary Mills to past Honeydew Acres. We had 2 phone calls in favor of the speed limit. Supervisor Latimer stated that they would probably have better luck if they asked for 30 mph instead of 25 mph. Ms. McAdam said that she would be OK with 30 mph.

Phone conference with Randy Crawford of Crawford & Stearns, Historical Architects:

Supervisor Latimer asked if Mr. Crawford would explain the proposal that was sent to us for a conditions report for the Town buildings. Mr. Crawford stated that he would arrive early in the morning, take pictures, inspect the buildings, and identify any problems. Then a report would be prepared with solutions suggested. Councilman Murray stated that we are hoping to be able to receive some grants for the buildings, especially the town hall. Mr. Crawford stated that unfortunately, there are not many grants available at the moment. Since the town hall and museum are on the National Historic Register, we could look into NYS Parks & Recreation, which would be matching grants. Supervisor Latimer thanked Mr. Crawford for the information.

Resident Dan Huntley addressed the board about the right-of-way which he asked the town for. He stated that he began the process in November 2014 by approaching the board. He said he was given a verbal agreement that the Town would grant him a right-of-way if he would pay for a survey. In May of 2015, the board made a motion to accept the draft of the right-of-way. In August 2015, Supervisor Latimer stated that he would like to make some changes. So at this time, he would like to know the status of the right-of-way.

Supervisor Latimer stated that he was concerned about leaving 50 feet void, but since that time, Joe Briggs said he would buy the 50 feet of land and the adjacent property.

Councilman Murray stated that he wanted it noted that he had not changed his mind about the right-of-way since the May meeting. He said we had a motion and we have done nothing but hold him up.

Mr. Latimer stated OK, done.

Mr. Huntley asked what the next step will be by the town.

Town Attorney Eric Gustafson stated that he will draw up a resolution for the next meeting stating a change of deed to town property. The resolution will be subject to permissive referendum.

Mr. Huntley asked that a letter be sent from the town to the town attorney and that a copy be sent to him.

Bookkeeper Dale Vaughn stated that we have a cash flow problem. We have a highway abstract of $238,784.10, but only have $124,018 available to pay it. The reason is in order to get our CHIPS money, we have to prove that the bills have been paid. If we apply now, the next pay date for CHIPS is November 12, 2015. After discussion, it was decided that we have no other option than to borrow the money.

**Motion** by John McIntosh, seconded by Roger Murray, all in favor, to start a tax anticipation bond to borrow the money to pay the bills. Attorney Eric Gustafson said that he would get the process started.

**Motion** by Dahl McCormick, seconded by Neil Thomas, all in favor, to authorize payment of **General Fund Abstract #9, VO #202-230, Total $5,491.28.**

**Motion** by Neil Thomas, seconded by John McIntosh, all in favor, to authorize payment of **Highway Fund Abstract #9, VO #177-207, $238,784.10.**

**COURTESY OF THE FLOOR**

Resident Ranny Gale stated that she believes there should be a speed limit of 35 mph by her house on County Route 24. She said it should go to the bottom of the hill by Stones.

Councilman McCormick stated that about 5 years ago, the town asked for double stop signs at that intersection, but we were turned down.

Ms Gale said that anything that could be done would be appreciated.

Resident Gordon Shimmel stated a problem he is having with his neighbor. He said his neighbor got a variance to build a fence between their properties. Now he has built a second fence without a variance. Supervisor Latimer said that he would have the Code Enforcement Officer look into it.

Resident William Enslow stated that he came in late, but he was wondering if his zoning complaint had been discussed. ZBA chairman Dale Vaughn stated that it had been discussed and that it would be looked into. Mr. Enslow said that he had asked for a speed limit of 15 mph on Postwood Park Rd. quite a few years ago, but was rejected.

Dan Huntley stated that with the general election about one month away, he would like to announce that he is running for town council. He gave a summary of his experience and qualifications.

**Motion** by John McIntosh, seconded by Neil Thomas, all in favor, to adjourn.

The meeting was adjourned at 8:58 PM.

Respectfully Submitted,

Melanie J. Thomas

Town Clerk